

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.

Plaintiff,

vs.

LM ERICSSON TELEPHONE COMPANY  
(TELEFONAKTIEBOLAGET LM ERICSSON)

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP  
PROJECT A/K/A 3GPP

Defendants.

Case No. 2:11-cv-4574-RK

**REDACTED**

**DECLARATION OF BENJAMIN H. DIESSEL IN SUPPORT OF REPLY IN  
SUPPORT OF DEFENDANT QUALCOMM INCORPORATED'S MOTION TO  
COMPEL PLAINTIFF TRUEPOSITION, INC. TO ANSWER CERTAIN  
INTERROGATORIES**

I, BENJAMIN H. DIESSEL, hereby declare as follows:

1. I am an Associate attorney at Cravath, Swaine & Moore LLP, which represents Defendant Qualcomm Incorporated (“Qualcomm”) in the above-captioned action. I have been admitted *pro hac vice* to practice before this Court. I submit this declaration in support of Qualcomm’s Reply in Support of Defendant Qualcomm Inc.’s Motion to Compel Certain Interrogatory Responses Directed to Plaintiff TruePosition, Inc. (“TruePosition”).

2. On January 21, 2014, TruePosition filed Plaintiff TruePosition’s Opposition to Defendant Qualcomm’s Motion to Compel Plaintiff TruePosition to Answer Certain Interrogatories (“Opposition”).

3. Redacted

4. Redacted

5. Redacted

Redacted

6.

Redacted

7. On March 6, 2013, counsel for TruePosition wrote to counsel for Defendants proposing the terms of the discovery management agreement called for by Section G.4 of the Stipulated Order Establishing Protocol for Electronic Discovery. TruePosition proposed in this letter to search for responsive documents “up until December 31, 2012”. A true and correct copy of this letter is attached hereto as Exhibit 5.

8. On April 3, 2013, counsel for Qualcomm wrote to counsel for TruePosition accepting the proposal in TruePosition’s March 6 letter and “agree[ing] that our reasonable searches for responsive information will apply through December 31, 2012”. A true and correct copy of this letter is attached hereto as Exhibit 6.

9. On April 9, 2013, counsel for Ericsson wrote to counsel for TruePosition accepting the proposal in TruePosition’s March 6 letter and “agree[ing] to a December 31, 2012 discovery cutoff date”. A true and correct copy of this letter is attached hereto as Exhibit 7.

10. On April 17, 2013, counsel for Alcatel-Lucent wrote to counsel for TruePosition accepting the proposal in TruePosition's March 6 letter and "agree[ing] to search for responsive documents for the period from January 1, 2007 to December 31, 2012". A true and correct copy of this letter is attached hereto as Exhibit 8.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2014.

/s/ Benjamin Diessel  
Benjamin Diessel